

Vitellaro, Chandra

From: McClintock, Katie
Sent: Tuesday, February 23, 2016 9:29 PM
To: 'abef@northstarglass.com'
Subject: FW: EPA Procedures to safeguard CBI

Abe –

I assume Libby sent you this email earlier but I wanted to follow up and thank you for your cooperation from Hawaii this morning. I'm sorry the timing didn't work out better but James was very helpful. I wanted to make sure you had my contact information in case you have any questions. As I mentioned we will be sending a formalized list of questions for records and other information shortly.

Thanks.

Katie McClintock
Air Enforcement Officer
EPA Region 10
1200 Sixth Avenue, Suite 900, OCE-101
Seattle, WA 98101
Phone: 206-553-2143
Fax: 206-553-4743
Mcclintock.katie@epa.gov

From: Matthews, Julie
Sent: Tuesday, February 23, 2016 10:46 AM
To: libbyg@northstarglass.com
Subject: EPA Procedures to safeguard CBI

Hello,

Katie McClintock, from the Environmental Protection Agency, indicated that you had questions regarding the procedures EPA uses to safeguard confidential business information and she asked me to send you an explanation.

The U.S. EPA regulations governing the receipt and handling of Confidential Business Information (CBI) are found in Title 40 of the Code of Federal Regulations (40 CFR) in Part 2, subpart B, 40 CFR §§ 2.201-2.215. Special rules governing CBI information obtained under various environmental statutes follow at 40 C.F.R. §§ 2.301-2.311 with § 2.301 being specific to CAA CBI.

In summary the regulations provide that when EPA requires a facility, like yours, to provide information to it, you are entitled to assert a claim of business confidentiality, covering all or any required information, in the manner described at 40 C.F.R. § 2.203(b). This section explains that to assert a business confidentiality claim, you should place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a

certain event. Failure to furnish a business confidentiality claim with submitted information will be construed as a waiver of that claim, and the information may be made available to the public without further notice to you.

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The regulations describe the procedure and the criteria that EPA will use to safeguard the information from unauthorized disclosure and to determine whether specific information is entitled to confidentiality. The regulations also provide that should EPA determine that information is not entitled to confidential treatment, the submitter of the information has the opportunity to challenge that decision prior to the information being released. Note that emission data, which includes information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of emission data, are not entitled to confidential treatment.

Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B.

Sincerely,
Julie Matthews

Juliane Matthews
Assistant Regional Counsel
U.S. Environmental Protection Agency- Region 10
1200 Sixth Avenue, Suite 900, ORC -113
Seattle, WA 98101
(206) 553-1169
matthews.juliane@epa.gov